

April 26, 2011

The Hendricks County Board of Commissioners met in regular session at 9:40 AM on Tuesday, April 26, 2011 with a quorum of all three (3) Commissioners in the Commissioners’ Meeting Room on the first floor of the Hendricks County Government Center with the following in attendance:

Bob Gentry	)	
Phyllis A. Palmer	)	Hendricks County Board of Commissioners
Eric L. Wathen	)	
Tyler Starkey		Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
David Galloway		Hendricks County Sheriff
Steve Wagner		Hendricks County Chief Deputy
Megen Morgan		Hendricks County Jail Matron
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to the Commissioners
Dr. David Hadley		Hendricks County Health Director
Cathy Grindstaff		Hendricks County Environmental Health Director
Judith Wyeth		Secretary to the Commissioners

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Commissioner Wathen opened the meeting and led the Pledge to the Flag in unison.

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IN THE MATTER OF MINUTES

Commissioner Palmer moved to approve the minutes of the April 12, 2011 meeting, as corrected. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve Claims #218123 thru 218129, #218130 thru 218235, #218672 thru 218687, #218717 thru 219022, #218023 thru 219049, #219051 thru 219067, #219075 thru 218077, #219078, #219143 thru 219153, #219154 thru 219373, #219154 thru 218373, #219392 thru 219415, #098836 thru 098932 and Direct Deposit #068578 thru 069979, as presented. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF EXIT 59

John Ayers stated he had nothing new to report for Exit 59.

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IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers stated he met with representatives from INDOT, representative of the MPO and Laurie Maudlin of APPIAN, to give a brief history of the Ronald Reagan Parkway to update the new people with these agencies on the Parkway and presented a handout of this report. Commissioner Wathen requested a letter be sent to US Representative Todd Rokita accompanying this report on the Ronald Reagan Parkway. Commissioner Wathen stated he, John Ayers and Commissioner Palmer met with Senator Dan Coates last week in Plainfield and suggested they send both Senator Coats and Representative Rokita a letter along with this report. It was the consensus of the Commissioners for County Engineer John Ayers to draft a letter to accompany this report of the Ronald Reagan Parkway to Senator Dan Coats and Representative Todd Rokita.

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IN THE MATTER OF HEALTH DEPARTMENT ORDINANCES

Commissioner Wathen stated we have three Health Department Ordinances, Onsite Sewage System Ordinance, Temporary Campground Ordinance and Hendricks County Board of Health Ordinance for Collection of Fees advertised for public hearings today and requested approval from Attorney Tyler Starkey to hold the public hearings at the same time, together. as one public hearing. Attorney Starkey stated this was acceptable. Commissioner

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Wathen announced a Public Hearing has been duly advertised in two newspapers for 9:30 AM for the Hendricks County Temporary Campground Ordinance, Hendricks County Onsite Sewage System Ordinance and for the Hendricks County Board of Health Ordinance for Collection of Fees. He opened the public hearing at 9:50 AM. There was no public input. Commissioner Palmer moved to close the public hearings for the three Health Department Ordinances, as stated. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF ORDINANCE 2011-08  
ONSITE SEWAGE SYSTEM ORDINANCE

Cathy Grindstaff briefly explained the changes to this revised ordinance for onsite sewage system. Commissioner Wathen requested changes to the ordinance to add “professional surveyor” to the Plot Plan section on Page 1 and “professional surveyor” to Residential Onsite Sewage System Permit 1 .a) on page 3. There was discussion of these suggested changes. Commissioner Gentry moved to approve the ordinance for Onsite Sewage System with changes to add “professional surveyor” to the Plot Plan section on Page 1 and “professional surveyor” to Residential Onsite Sewage System Permit 1. a) on page 3 and to adopt as Ordinance 2011-08. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Ms. Grindstaff will make these changes and bring back a corrected ordinance for the Commissioners’ execution.

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IN THE MATTER OF ORDINANCE NO. 2011-09  
TEMPORARY CAMPGROUND ORDINANCE

Cathy Grindstaff briefly explained the changes to the revised Temporary Campground Ordinance. There was a brief discussion of this proposed ordinance. Commissioner Gentry moved to approve the Temporary Campground Ordinance as Ordinance No. 2011-09. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF ORDINANCE NO. 2011-10  
HENDRICKS COUNTY BOARD OF HEALTH ORDINANCE FOR COLLECTION OF FEES

Cathy Grindstaff explained the fees that would be increased and the amount of the increase. There was a brief discussion of this proposed ordinance. Commissioner Palmer moved to approve the Hendricks County Board of Health Ordinance for Collection of Fees as Ordinance No. 2011-10. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF SUMMER READING PROGRAM

Jodi Wingler, Danville Public Library, requested to hold the kickoff for the Danville Public Library Annual Summer Reading Program on the Courthouse steps for two hours on Saturday, June 4, 2011 from 1 – 3 PM. She stated this event draws anywhere between 200 – 300 adults and children and they would like to use the steps on the south side of the Court House. Ms. Wingler also stated the children will be participating in activities sponsored by merchants around the square. They will not need access to the interior of the Court House, but will set up a tent on the sidewalk to cover the books. It was the consensus of the Commissioners to grant this request for use of the Court House steps on June 4, 2011.

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IN THE MATTER OF CIVIL WAR DAYS

Steve Wagner, Chief Deputy, stated the Hendricks County Sheriff’s Department will provide security for the

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Civil War Days to be held June 25 – 26, 2011 at the Hendricks County Museum, Government Center, and Danville Library.

IN THE MATTER OF PROCLAMATION  
NATIONAL POLICE WEEK AND POLICE MEMORIAL DAY

A request was acknowledged from Megen Morgan, Sheriff’s Office requesting a proclamation for National Police Week May 15 thru May 21, 2011 and for Police Memorial Day on May 11, 2011. Commissioner Wathen read the following proclamation:

**PROCLAMATION DECLARING  
MAY 15 THRU MAY 21, 2011, NATIONAL POLICE WEEK  
AND  
MAY 11, 2011, POLICE MEMORIAL DAY**

*WHEREAS, the Congress of the United States of America has designated the week of May 15, 2011 to be dedicated as “National Police Week” and May 11, 2011, to be designated “Police Memorial Day”, and*

*WHEREAS, the law enforcement officers are our guardian of life and property, defenders of individual rights, warriors in the war against crime and dedicated to the preservation of life, liberty and the pursuit of happiness, and*

*WHEREAS, the County of Hendricks desires to honor the valor service and dedication of its own police officers, and*

*WHEREAS, it is known that every two days an American Police Officer will be killed in the line of duty somewhere in the United States and 136 officers will be seriously assaulted in the performance of their duties, our community joins with other cities and towns to honor all peace officers everywhere, and*

*We therefore proclaim the week of May 15 to May 21, 2011, to be Police Week and call upon all citizens in this community to especially honor and show our sincere appreciation for the police officers of this county who serve and protect our loved ones, property and government against all who would violate the law.*

*Signed, this 25<sup>th</sup> day of April, 2011 at the County of Hendricks, State of Indiana in the witness thereof the seal of Hendricks County and the signatures of the Hendricks County Board of Commissioners are affixed.*

(Signed)	Eric L. Wathen, President
	Phyllis A. Palmer, Vice President
(Seal)	Bob Gentry, Member

Commissioner Palmer moved to approve the Proclamation Declaring May 15 thru May 21, 1011 as National Police Week and May 11, 2011 as Police Memorial Day. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF USE OF COURTHOUSE

Megen Morgan, Sheriff’s Department, requested to use the Court House rotunda for the May 11, 2011 Police Memorial Day, as has been approved in previous years. It was the consensus of the Commissioners to approve the request to use the Court House Rotunda for the Police Memorial program. Commissioner Palmer volunteered to read the proclamation during the Police Memorial Day program on May 11, 2011.

IN THE MATTER OF FEES - SEX AND VIOLENT OFFERDERS

Sheriff Dave Galloway referenced his letter of April 14, 2011 relating to Ordinance 2009-01 establishing an annual sex or violent offender registration fee, a sex or violent offender address change fee and establishing the Hendricks County Sex or Violent Offender Administration Fund. He stated this ordinance is for collection of fees for registration of sex and violent offenders. He explained that currently 90% of these fees go to the County General Fund and 10% are deposited in the State of Indiana Sex and Violent Offender Administration Fund. He requested

this ordinance be changed so that 90% of these fees would be deposited in a County Sex and Violent Offender Administration Fund administered, by the Sheriff, with 10% deposited in the State of Indiana Sex and Violent Offender Administration Fund. Sheriff Galloway explained each year his staff dedicates approximately 360 man hours to monitor these offenders and we are currently each year receiving approximately \$7,000 in sex offender registration fees. Attorney Tyler Starkey explained the State Statute on this matter. There was a general consensus among the Commissioners to prepare an amendment to this ordinance.

IN THE MATTER OF APPEAL - DOOLEY

It was noted Daniel Dooley had called and requested to appeal his denial of poor relief from the Center Township Trustee. At the April 12, 2011 meeting this matter was continued to the April 26, 2011 meeting while waiting completion of paper work for this case. Commissioner Wathen noted that Mr. Dooley was not in attendance at the meeting. The Commissioners thanked Judy White, Center Township Trustee, for attending the meeting for the Dooley appeal and announced that Mr. Dooley not showing up for the meeting today was reason for denial of this appeal.

IN THE MATTER OF CONSERVATION CLUB DAM

Mike Graham stated that on April 21, 2011, County Engineer John Ayres, Assistant Engineer Jim Andrews, Brett Pickett of the Surveyor’s office, Joe Miller from Banning Engineering and he met with the residents of Stratford Ridge and representatives from the Danville Conservation Club. He stated the meeting went well and both the residents and the club representatives are pleased to hear about our efforts to reconstruct the dam, however, the projected annual maintenance costs were higher than originally projected. The current projection is \$6,750.00 for the first four years then there could be a reduction to an annual amount of \$4,500.00. Divided equally between the Conservation Club and the 12 residents the initial annual drainage assessment would be \$519.23 for each property owner. Mr. Graham stated he, Mr. Pickett and Mr. Miller have discussed how the maintenance costs should be divided between the residents and the Conservation Club. Because the Conservation Club owns the majority of land around the lake it seems fair that they would pay a higher assessment. Also, under the terms of the lease they are required to maintain the dam, however, the lake is an important amenity to the residents and their property values are higher because of the lake. He further explained rather than the staff trying to determine what would be a fair break down they asked the property owners and the Conservation Club to develop what they thought would be appropriate and they have agreed they would. They told them that the final assessment would be a determination of the Drainage Board, however, he told them that the Drainage Board would likely follow their recommendations if everyone came to the Drainage Board in agreement. He stated he anticipates they will come back with a recommendation in the next two months. John Ayers reported they have submitted approval for the permit for repair of the dam, but due to an estimated 6 to 9 month processing period excavation will probably not begin until spring of 2012 with the tree clearing to begin this fall.

IN THE MATTER OF AVON LAKES MOBILE HOME PARK

Mike Graham advised that Ken Sims, the Director of Operations at the Avon Lakes Mobile Home Park (former Lake of the Lanterns), along the north side of CR 200N (21<sup>st</sup> St.) just east of Ronald Regan Parkway, has reported a

flooding problem. The flooding is located in the southwest corner of the park and not only is there significant flooding of the streets there is stress put on a dam for a lake in the park. Mr. Graham explained a couple of years ago the dam failed and the cost of the repair was \$13,500.00 and in addition to paying for the repair, they had to pay a \$35,000.00 fine from IDEM because a sewer line located in the dam failed and the Park had to pay the fine for a discharge of raw sewage. He reported Mr. Sims is concerned about the flooding and the problems it may cause and he would like assistance to address the problem. He further advised because it is not a legal drain and it is not associated with the County roads there is no department to give this problem to. John Ayers stated he will check the files and look at the current status of the dam.

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IN THE MATTER OF INDY DEFENDERS OF LIBERTY

Mike Graham reported on April 12, 2011 the Commissioners approved the use of Meeting Rooms 4 & 5 of the Government Center for the Indy Defenders of Liberty to have evening meetings. He stated we have now received notice The Defenders have changed their minds and they will be meeting in the new community building at the Washington Township Park.

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IN THE MATTER OF PARKS DEPARTMENT

Mike Graham reported the Parks Department is going to buy a trailer to transport their mowing equipment and other maintenance items from park to park and will be funded out of their budget. He stated this was for informational purposes only.

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IN THE MATTER OF DONNELLY HEIGHTS\

John Ayers gave a brief update on the Donnelly Heights drainage issue.

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IN THE MATTER OF INDIAN HEAD LAKE

John Ayers explained the process to relieve the stress at Indian Head Lake. He stated the Highway Department is fueling the pumps to remove water from this lake, but will be reimbursed by the Indiana DNR.

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IN THE MATTER OF HIGHWAY FUNDING

John Ayers presented the paving list for 2011 with the resurfacing of County roads with hot mix in the amount of \$1,276,408.32 and subdivision roads with hot mix in the amount of \$363,497.12 along with the 2011 list of County roads with chip and seal in the amount of \$330,410.87. He stated this 2011 paving total of \$1,970,316.31 will be funded from the wheel tax.

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IN THE MATTER OF DRAINAGE ASSESSMENTS

John Ayers stated the County Highway Department has previously received drainage assessments for 12 parcels and now have a total of 88 parcels for a total amount of \$1,686 and inquired the process to have these removed. It was the consensus of the Commissioners for County Engineer John Ayers to take these drainage assessments to the next Drainage Board Meeting.

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IN THE MATTER OF B&O TRAIL

John Ayers reported the Indianapolis Metropolitan Planning Organization (MPO) has announced the enhancement grantees and stated the B&O Trail was awarded \$1,000,000 for the segment of the trail in Hendricks County west of SR 267.

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Auditor Cinda Kattau explained the State Board of Accounts has advised the County needs to have an agreement

with the B&O and she will work on this agreement.

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IN THE MATTER OF GO RAIL

John Ayers presented draft letters to legislators relative to a request from GoRail to oppose a bill in congress that would increase the allowable weight limit for trucks. There was discussion of this matter. It was the consensus of the Commissioners to take no action on this matter at this time.

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IN THE MATTER OF CR 300W AND US 136

John Ayers reported a problem of water standing at US 136 and CR 300W and explained the problem. Commissioner Wathen requested they check with the State to help resolve this problem. It was the consensus of the Commissioners for John Ayers and Commissioner Gentry to make an onsite visit to this location to resolve this water problem.

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IN THE MATTER OF ASHLEY OAKES

John Ayers acknowledged receipt of a sign request from the Homeowners Association of Ashley Oakes and explained the County Road standards. Commissioner Wathen stated he will talk with a representative of this group.

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IN THE MATTER OF 56<sup>TH</sup> STREET

John Ayers advised he is checking on the status of the grass planted along the recently reconstructed 56<sup>th</sup> Street (CR 600N).

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IN THE MATTER OF BRIDGES AND CULVERTS

John Ayers announced they currently have four County bridges and four County culverts under design for construction this year.

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IN THE MATTER OF FAIRGROUNDS

Commissioner Palmer relayed a message from Councilman Dick Thompson and the Fair Board stating the Hendricks County 4-H Fairgrounds needs stone and inquiring if they can purchase stone on the County bid and if they could pay the County Highway to haul this stone to the fairgrounds. John Ayers stated he would check the bid price and a cost for hauling. It was the consensus of the Commissioners to approve the Fair Board purchasing stone on the County bid and for them to reimburse the County Highway at a rate to be determined.

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IN THE MATTER OF BILL RAWLINGS

Commissioner Gentry reported he had talked with Steve Price and Fred Garland to look at and shoot the elevations at the Bill Rawlings drainage problems on CR 200W, just north of CR 500N. There was discussion of this drainage issue. The Commissioners requested Attorney Tyler Starkey to check if there was a penalty for a citizen removing or changing drainage installations that had been installed by the County.

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IN THE MATTER OF ANIMAL CONTROL

Commissioner Palmer relayed a comment made at the Plainfield Town Council meeting relative to the hours of the Animal Control facility. There was discussion of the hours of operations and that the Animal Control officers are “on call” seven days a week every week and this information should be made available to citizens.

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IN THE MATTER OF ASSESSOR’S OFFICE - POSTAGE

Mike Graham reported Assessor Gail Brown has advised that she will be sending out notices of reassessment to each of the approximate 70,000 property owners in 2012 and the Commissioners should add another \$30,000 to their 2012 postage budget to cover the postage costs for this mailing. He also stated she did not do a massive mailing in

2011, only the 1,500 commercial notices.

## IN THE MATTER OF TORT CLAIM - CROOKE

Receipt was acknowledged of a Tort Claim from the Law Office of Amy M. Jones on behalf of Stephen and Arlene Crooke for incident of December 22, 2010 when Mr. Crooke fell on the steps at the Indianapolis International Airport parking garage. It was noted he original has been hand delivered to Rich Jensen and a copy faxed to Greg Steuerwald.

IN THE MATTER OF BANKRUPTCY – PORTRAIT HOMES

Receipt was acknowledged of Notice of Chapter 7 Bankruptcy Case for Pasquinesi / Portrait Homes with a List of Entities five pages long. It was noted a copy has been sent to the Planning Department and to the County Auditor.

## IN THE MATTER OF CORRESPONDENCE

Commissioner Wathen acknowledged receipt of the following correspondence:

Correspondence:

1. Cummins Behavioral Health Systems, Board of Directors Meeting Announcement for Thursday, April 28, 2011. Minutes of the March 24, 2011 Cummins Behavioral Health System, Inc. Board of Directors Meeting.
2. INDOT Environmental Study for a small structure replacement over Little Raccoon Creek, located 3.54 miles west of SR 75 in Eel River Township in Hendricks County & Cark Township in Montgomery County.

**Action needed/taken on the following:**

1. Checks received and signed to the county None:
2. Commissioner Wathen signed vehicle titles for the following: 2006 Chevrolet Van for Sheriff
3. Documents needing action

:	Bond	John Ayers	Bond	Joshua Nohren
	Bond	Joseph K. Neuman	Bond	Terry Judy
	Bond	Charles Colbert	Bond	Joshua D. Faith
	Bone	Niccole A. D. Webb	Bond	Harold T. Gibson
	Bond	Angela Tate	Bond	Nancy J. Watson
	Bond	Charles Parsons	Bond	Kelly Caldwell
	Bond	Rosemary Green	Bond	David Stumm
	Bond	Amanda Keesling	Bond	Jason Burton
	Bond	John Pionke	Bond	Charles Morefield
	Bond	Gene Kriner	Bond	Greg Jobbe
	Bond	Nate Richards	Bond	Brett Clark
	Bond	Steven F. Wagner	Bond	Scott Larsen
	Bond	Quentin Pilkin	Bond	James Stoneking
	Bond	Roger Call	Bond	Dawn Watner
	Bond	Delbert Clevenger	Bond	Dan Fivecoat
	Bond	Lisa R. Crist	Bond	Megen Morgan
	Bond	Craig Callahan	Bond	Haley Hendrix
	Bond	Curt Higginbotham		

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IN THE MATTER OF VETERANS

Receipt was acknowledged of the March 2011 City & County VSO's Monthly Report from Lori Turpin,

IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of Weights and Measures Monthly Report for March 15 to April 15, 2011 from Charles Colbert, Weights and Measures Inspector.

IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for April 11 through April 22, 2011 from James

McBryant, Cypress Manor Superintendent.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the Human Resources report for April 11 to April 22, 2011 from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report of April 2 to April 8, 2011 from Curt Higginbotham, Highway Superintendent.

IN THE MATTER OF CONGRESSIONAL OFFICE

Mike Graham reported that Commissioner Wathen signed the lease for the Congressional Office of U.S. Representative Todd Rokita’s office to be at the Hendricks County Government Center. He requested the Commissioners to ratify this action of Commissioner Wathen and explained Congressman Rokita wants to be in the lead to announce the use of the Government Center. Commissioner Gentry moved to approve and ratify the signing of the lease of space for the congressional office in the Government Center in the amount of \$300 monthly. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF TAX MANAGEMENT ASSOCIATES

Assessor Gail Brown gave a brief overview of Tax Management Associates to assist her office in business and commercial assessments. Ms. Brown introduced Larry Brandon and John Shelton of TMA (Tax Management Associates) to explain the services provided by their firm and presented a contract for consideration. The Commissioners stated they will review the services of this firm and no action was taken.

Commissioner Palmer moved to adjourn the Commissioners’ meeting at 11:25 AM. Commissioner Gentry seconded the motion and the motion was approved unanimously 3-0-0.

Eric L. Wathen, President

Phyllis A. Palmer, Vice President

Bob Gentry, Member

ATTEST: Judith Wyeth, Deputy Auditor

